

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BRYAN W. CLARK,)	
)	
Plaintiff,)	Case No. 07 C 6809
)	
v.)	
)	Judge Lefkow
400 N. ORLEANS, LLC;)	
DEUTSCH, LEVY & ENGEL, CHARTERED;)	Magistrate Judge Denlow
and LEO G. AUBEL;)	
)	
Defendants.)	

**CLARK'S MOTION FOR LEAVE TO FILE
A FIRST AMENDED COMPLAINT**

Plaintiff Bryan W. Clark ("Clark"), by his attorney and pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, respectfully asks this Court to grant him leave to file a first amended complaint in the form attached hereto as Exhibit A. In support of this motion, Clark states as follows:

1. In response to the complaint, Defendants Deutsch, Levy & Engel, Chartered ("DLE") and Leo G. Aubel ("Aubel") filed a joint Rule 12(b)(6) motion to dismiss. In the motion to dismiss, DLE and Aubel argue that Clark's claim against them for legal malpractice is defective because Clark did not allege that he currently has suffered damages as a result of the malpractice.

2. In fact, Clark already suffered real and direct damages as a result of the malpractice. Clark therefore seeks leave of Court to assert additional allegations in an amended complaint that should dispense with the arguments set forth in DLE and Aubel's motion to dismiss.

3. Attached hereto as Exhibit A is Clark's proposed first amended complaint. Clark has not attached the exhibits because they are the same as the ones attached to the original complaint.

4. The remaining defendant, 400 N. Orleans, LLC ("Orleans"), has not filed an appearance or answer yet. Orleans' counsel contacted Clark's counsel and asked for Clark's agreement to an extension of time to respond to the complaint. Clark's counsel agreed.

5. Clark's proposed amendment is both prompt and just.

WHEREFORE, Clark respectfully asks this Court to grant him leave to file a first amended complaint in the form attached hereto as Exhibit A.

Respectfully submitted,

BRYAN W. CLARK

By s/Jay R. Hoffman
His Attorney

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